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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,676	01/31/2005	Yasunori Matsufuji	P70349US0	1805

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EXAMINER	
BAHTA, KIDEST	

ART UNIT	PAPER NUMBER
2123	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/522,676	MATSUFUJI, YASUNORI	
	Examiner	Art Unit	
	KIDEST BAHTA	2123	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 January 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *1-6* is/are allowed.

6)☒ Claim(s) *7-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *9/6/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 7-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto et al. (US 2005/0044133) in view of Toshisada (JP 07 229215)

7. A building material allocating program for causing a computer to function so as to make a building material layout drawing for construction of a building material wall with respect to the building material wall made by a dry type of construction method, in which the building material walls are constructed from building materials, bolts, nuts and metal plates and in which the building materials are integrally assembled under pre-stress by tightening forces of the bolts and nuts, wherein the program causes the computer to function as: grid coordinate system display means for displaying on a display, a grid pattern XY coordinate system constituted from square grids, each corresponding to the planar size of a square half part of the building material (Fig. 5-14); building material allocation model production means for producing building material allocation model data of an odd number layer and an even number layer which are adapted for said grids, based on information of a wall structure and an opening on an architectural design drawing inputted to said XY coordinate system ([0094]-[0101]); building material layout drawing data production means for automatically producing building material layout

drawing data from said building material allocation model data ([0107]); and drawing data output means for outputting said building material layout drawing data as a working drawing for construction (Fig. 8-15).

8. A program as defined in claim 7, causing the computer to function as means for producing layout drawing data for allocating the bolts, the nuts and the metal plates, which automatically produces the layout drawing data of the bolts, the nuts and the metal plates on the basis of said building material allocation model data (Fig. 8, [0114]).

9. A program as defined in claim 7, wherein said grid coordinate system display means causes the computer to display a plan of said architectural design drawing on the said XY coordinate system (Fig. 16).

10. A program as defined in claim 7, causing the computer to function as material quantities summing means for summing up the quantities of the building materials, the bolts, the nuts and the metal plates on the basis of said building material allocation model data ((Fig. 15; Fig. 19)

11. A program as defined in claim 8, causing the computer to function as individual revision means for displaying a peculiar portion inconsistent with a rule for automatically producing said building material layout drawing data in said building material layout drawing data production means, and enabling a manual revision or input of the

allocation of the building materials, the bolts, the nuts and the metal plates in said peculiar portion (Fig. 15; [0152]).

12. A building material allocating system for making a building material layout drawing for construction of a building material wall with respect to the building material wall made by a dry type of construction method, in which the building material walls are constructed from building materials, bolts, nuts and metal plates and in which the building materials are integrally assembled under pre-stress by tightening forces of the bolts and nuts, comprising:

a display device for displaying a grid pattern XY coordinate system constituted from square grids, each corresponding to the planar size of a square half part of the building material (Fig. 1-15; [0104];

an input device for inputting information of a wall structure and an opening on an architectural design drawing, to said XY coordinate system (Fig. 8);

a data processing device producing building material allocation model data for an odd number layer and an even number layer, which are adapted for the grids, and automatically producing building material layout drawing data based on said building material allocation model data (Fig. 6, 8, 9, 10);

a storage device for storing said building material allocation model data and said building material layout drawing data (element 104); and

an output device for outputting said building material layout drawing data as a working drawing for construction (0185]-0186]).

13. A system as defined in claim 12, wherein said data processing device automatically produces layout drawing data of the bolts, the nuts and the metal plates from said building material allocation model data; said storage device stores said layout drawing data of the bolts, the nuts and the metal plates (Fig. 2, element 201-203); and said output device outputs said layout drawing data of the bolts, the nuts and the metal plates as a working drawing for construction (element 209-212).

14. A system as defined in claim 12, wherein said data processing device sums up quantities of the building materials, the bolts, the nuts and the metal plates on the basis of said building material allocation model data(Fig. 2, element 201-203); said storage device stores the quantities of the building materials, the bolts, the nuts and the metal plates; and said output device outputs data of the quantities of the building materials, the bolts, the nuts and the metal plates (element 209-212).

15. A system as defined in claim 12, wherein said data processing device sets odd number layer tightening grids (.alpha.) and even number layer tightening grids (.beta.) alternately in each of X- and Y-directions; sets a grid unit on the XY coordinate system to which an end part of the building material wall is allotted, to be a reference grid (.gamma.); successively arrays the building materials of the odd number layer from the building material on the reference grid in such a manner that a first half part of the

building material with a bolt hole matches the odd number layer tightening grid; and successively arrays the building materials of the even number layer from the building material on the reference grid in such a manner that said first half part matches the even number layer tightening grid.

16. A system as defined in claim 13, wherein said data processing device arrays the metal plates of the odd number layer so that at least one bolt hole of the plate is positioned on said odd number layer tightening grid, and arrays the metal plates of the even number layer so that at least one bolt hole of the metal plate is positioned on said even number layer tightening grid (Fig. 8-Fig. 16).

However, Hashimoto does not specifically disclose the building material is brick. Toshisada discloses such limitation in the abstract BRICK BLOCK UNIT AND MANUFACTURING THEREFOR, Through-holes la and 2a having a circular section passing through up and down are formed in an upper brick 1 and a lower brick 2, and a sheath monolithic plate 6 having an upper sheath plate 4 and a lower sheath plate 5 is placed in the through-holes la and 2a (Abstract).

It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify the teachings of Hashimoto with the teachings of Toshisada in order to alignment faces of a plurality of bricks are opposed to each other and are inserted in a rigid form having the same inside measurement dimension as external form dimension of a brick block unit 10 to be formed. Force-fit of mortar 3 is made to an alignment face between the upper brick 1 and lower brick 2, and the thickness of the mortar 3 is adjusted in accordance with tolerance. Accordingly, degree of horizontal accuracy of the bricks can easily be ensured.

Allowable Subject Matter

2. Claims 1-6 are allowed.

Claim 15 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed Kidest Bahta whose telephone number is 571-272-3737. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Rodriguez can be reached on 571-272-3753. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application information Retrieval IPAIRI system. Status information for published applications may be obtained from either Private PMR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAG system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-fee).

/Kidest Bahta/

Primary Examiner, Art Unit 2123